

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69881 of 2023

Arising Out of PS. Case No.-299 Year-2022 Thana- MAHESHKHUNT District- Khagaria

Raju Sah S/O Late Jogi Sah R/O Village- Dhrampur Banni, P.S.-
Maheshkhunt, Distt.- Khagaria Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Maheshkhunt P.S. Case No. 299 of 2022, registered on 11.12.2022 for the alleged offence under Sections 341, 323, 325, 307, 379, 506, 504/34 of the Indian Penal Code.

3. As per prosecution case, in the background of some land dispute the petitioner and other co-accused persons who were variously armed assaulted the informant and his family members causing a number of injuries to them. The allegation against the petitioner is that he hit one Ratandeo Chaudhary on his leg with lathi. Altogether 17 persons have been made in this case.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case as admittedly there is land dispute between the parties and some free fight



took place between two groups. Title suit on the disputed land has been decided in favour of the petitioner side. For the same occurrence counter case being Maheshkhunt P.S. Case No. 300 of 2022 under Section 307 IPC has been lodged against the informant and others. Both sides have received injuries. Three of the co-accused persons have been granted anticipatory bail by a Co-ordinate Bench vide order dated 18.10.2023 passed in Cr. Misc. No. 64650 of 2023. Learned counsel further submits that thereafter eight more co-accused persons have been granted anticipatory bail by a Co-ordinate Bench vide order dated 01.11.2023 passed in Cr. Misc. No. 68157 of 2023. Moreover, the allegation against the petitioner is of hitting on the leg of the victim by lathi and there is no serious allegation against the petitioner. The petitioner is in custody since 03.07.2023 and charge sheet has been submitted. The petitioner is having one criminal antecedent in which he is on bail.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the non-serious nature of allegation against the petitioner and further considering the grant of anticipatory bail



to 11 co-accused persons, whose case is on similar footing, period of custody of the petitioner and submission of charge sheet, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Khagaria/concerned court in connection with Maheshkhunt P.S. Case No. 299 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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